

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the final Official Action of January 28, 2008, and concurrent with a Request for Continued Examination (RCE). Initially, the final Official Action objects to dependent Claims 2-8, 10-16 and 18-24 for including an informality in the format of their preambles. In response thereto, Applicants have amended the respective dependent claims per the suggestion of the Examiner, and accordingly, respectfully submit that the objection to the dependent claims is overcome.

The final Official Action also rejects Claims 1-4, 6-12, 14-20 and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,085,997 to Wu et al., in view of U.S. Patent Application Publication No. 2003/0135569 to Khakoo et al. The Official Action then rejects the remaining claims, namely Claims 5, 13 and 21, under 35 U.S.C. § 103(a) as being unpatentable over Wu in view of Khakoo, and further in view of U.S. Patent No. 5,961,593 to Gabber et al. As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from Wu, Khakoo and Gabber, taken individually or in any proper combination. Nonetheless, Applicants have amended independent Claims 1, 9 and 17 to further clarify the claimed invention. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

#### ***A. Claims 1-4, 6-12, 14-20 and 22-24 are Patentable***

The final Official Action rejects Claims 1-4, 6-12, 14-20 and 22-24 as being unpatentable over Wu in view of Khakoo. According to one aspect of the present invention, as reflected by amended independent Claim 1, an apparatus is provided and includes a processor configured to operate a user naming system (UNS). As recited, the UNS, in turn, is configured to receive, from an application, a request for an identity of a user; and automatically select one of a plurality of identities selectable for use by the respective application, where at least two of the selectable identities are of the same type (e.g., email addresses, phone numbers, etc.) and enable communication in the same manner. The respective identity is selected based upon the

application and at least one user preference independent of user input to the application. The UNS, then, is configured to provide the selected identity to the application.

In contrast to amended independent Claim 1, neither Wu nor Khakoo, taken individually or in any proper combination, teaches or suggests automatically selecting one of a plurality of identities of a user selectable for use by an application requesting an identity of the user, two or more of the identities being of the same type and enabling communication from an apparatus of the user in the same manner. The Official Action concedes that Wu does not teach or suggest the automatic selection of one of a plurality of identities selectable for use by an application, but alleges that Khakoo discloses the feature, and that it would have been obvious to modify Wu per Khakoo to teach the claimed invention.

Briefly, Khakoo discloses a method and apparatus for delivering messages to a recipient based on the presence, preferences or location of the recipient. As disclosed, text-based messages, such as instant messages, can be delivered to the recipient by means of (i) a voice call to a voice-capable device associated with the recipients; (ii) a voice mail message to a voice mail box associated with the recipients; or (iii) a text or voice message. And to effectuate delivery of the text-based messages in different formats, Khakoo discloses a presence database storing, for each user, a record including addresses available for receiving messages for the respective user, where these addresses may include a phone number or URL.

Applicants respectfully submit that even considering its use of multiple addresses, Khakoo (as well as Wu) still does not appear to teach or suggest, for a user, multiple selectable identities of the same type (email addresses, phone numbers, etc.) and that enable communication from an apparatus of the user in the same manner, as now recited by amended independent Claim 1. At best, one could argue that Khakoo discloses multiple addresses of different types for respective multiple manners of communication (voice, text). Further, Khakoo (as well as Wu) does not appear to teach or suggest selection of the user's identity to communicate from an apparatus of the user; Khakoo instead being directed to selection of an address to deliver messages to the apparatus of the user.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-8, is patentably distinct from Wu and Khakoo, taken individually or in any

proper combination. Applicants also respectfully submit that amended independent Claims 9 and 17 recite subject matter similar to that of independent Claim 1, including selecting one of a plurality of identities of the same type and enabling communication from the user's apparatus in the same manner. As such, Applicants respectfully submit that amended independent Claims 9 and 17, and by dependency Claims 10-16 and 18-24, are also patentably distinct from Wu and Khakoo, taken individually or in any proper combination, for at least the reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-4, 6-12, 14-20 and 22-24 as being unpatentable over Wu in view of Khakoo is overcome.

***B. Claims 5, 13 and 21 are Patentable***

The Official Action also rejects Claims 5, 13 and 21 as being unpatentable over Wu in view of Khakoo, and further in view of Gabber. As explained above, independent Claims 1, 9 and 17, and by dependency Claims 2-8, 10-16 and 18-24, are patentably distinct from Wu and Khakoo, taken individually or in any proper combination. Applicants respectfully submit that Gabber does not cure the deficiencies of Wu and Khakoo. That is, even considering Gabber, none of Wu, Khakoo or Gabber, taken individually or in any proper combination, teach or suggest the aforementioned selecting one of a plurality of identities of the same type and enabling communication from the user's apparatus in the same manner. And there is no apparent reason to modify Wu and Khakoo to include the aforementioned feature of Gabber in an effort to teach the claimed invention. Thus, for at least the reasons given above with respect to amended independent Claims 1, 9 and 17, Claims 5, 13 and 21 are also patentably distinct from Wu in view of Khakoo, and further in view of Gabber.

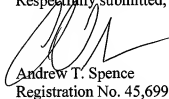
Applicants accordingly submit that the rejection of Claims 5, 13 and 21 as being unpatentable over Wu in view of Khakoo, and further in view of Gabber, is overcome.

**CONCLUSION**

In view of the amendments to the claims and the remarks presented herein, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
LEGAL02/30728192v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON APRIL 28, 2008.